

REMARKS

This Amendment/Response is prepared in response to the Final Office action mailed on 15 September 2008 (Paper No. 20080914).

Claims 1, 13, 15 and 25 have been amended, claims 23 and 24 have been canceled without prejudice or disclaimer, and claims 26 and 27 have been newly added by this Amendment after Final.

Examiner Interview

The Applicant's representative wishes to thank the Examiner for his efforts during the interview which took place on October 7, 2008. Consistent with the agreement reached during that interview, independent claims 1 and 25 have been amended.

Claim Rejection Under 35 U.S.C. §102

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Seiler (US 6,690,996).

The present invention is a conveyor-technology device for processing printed products. This device and method include a guide formed as rails or channels, that is spatially curved and has an essentially helically curved section, with the helically curved section of the guide means being entirely hollow inside and unsupported by a drum structure. This device and method further includes a conveyor movable along the guide means for conveying printed products which are fed by way of feed conveyors. A

number of holders serve to temporarily fix printed products in a manner such that these printed products at least in regions may be conveyed against the effect of gravity.

First, the present description discloses in paragraph [0018], along with paragraph [0015], of the publication of Applicant's present application, that 'guide means 3' are designed as rails or channels along which a plurality of 'conveyor means 4' is led. Concomitantly, paragraph [0017] teaches that the 'conveyor means 4' is understood as a plate element (claim 19), a saddle (claim 18), a pocket or a supporting rim (claim 20). The sole piece of prior art cited is Seiler (US 6,690,996). In view of this disclosure, the Examiner's interpretation of Seiler abstract helical portion of the conveying path as the 'guide means 3' is does not teach the amended independent claims. See, for example, column 4, line 46 of Seiler. In further distinction of the practice of Applicant's inventions defined by the rejected claims, and in contrast to the disclosure of Seiler '669, Seiler printed products are not conveyed within the pocket or on the saddle of the device, as is disclosed in accordance with the principles of the present invention, and thus embodiments of these principles feature no pockets having a helical shape. Therefore, Seiler fails to teach a conveyor means that is movable along the guide means to convey the printed produces, as is defined in claim 1.

Second, Seiler '669 teaches in column 6, at lines 47 through 50, that Seiler's supply track 3' comprises a drum 12 and a plurality of clock-cycle conveyors 21, 22, and 23. Seiler thus unambiguously teaches the formation of a conveying path. The very same Seiler teaches, in column 4, line 65 through column 5, line 6, that its supply track 3 encompasses the whole and entirety of the length covered by the conveying path which extends between article processing device 4 and processing device 8. Additionally, Seiler indicates, and represents, at several occasions, *e.g.*, in column 6, lines 8 through 11, or in column 3, lines 54 through 57 of Seiler

'669, that supply track 3 is advantageously implemented as a **single** circulating conveying organ having grippers.

When comparing the corresponding items of the amended claims of the present invention with those disclosed in Seiler, the Examiner must consider that it is of utmost importance to perform a correct comparison of the particular items. As mentioned in the MPEP §2131,

"a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."¹

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Every element must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (CAFC 1989). The identical invention must be shown in as complete detail as is contained in the patent claim. *Id.*, "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970), and MPEP 2143.03.

By a correct comparison of the particular items, the Examiner will be enabled to appreciate that the item described as 'conveyor means 4' of the present application corresponds to the 'conveying means 4' of Seiler, whereas the item described as 'guide means 3' in the disclosed embodiments of the present application corresponds to neither the item identified in Seiler as 'supply track 3' nor with the item identified in Seiler '669 as 'completion device 2'. Hence the Examiner's denomination of the drum 12 in the draft of Figure 3 of Seiler as forming the missing item 'guide means' in the same sense as that item is described in the present application,

¹ *Manual of Patent Examining Procedure*, 8th Edition, Rev. 5, §2131.

technically inaccurate, and thus factually erroneous on the administrative record before the Office.

Third, neither of the terms 'guide' or 'channel' are used in the *Detailed Description* of Seiler in the descriptions of the constituent components of Seiler relied upon to support this anticipation rejection, nor are such items shown in any one of the figures of Seiler. In short, Seiler fails to provide a person skilled in the art with a hint leading thereto.

Therefore, independent claims 1 and 25 patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 1,

“A conveyor-technology device for processing printed products, comprising: a guide means which is spatially curved and has an essentially helically designed section; and a conveyor means movable along the guide means for conveying printed products which are fed by way of feed conveyors, said guide means having a holding means which serves to temporarily fix the printed products in a manner such that these at least in regions may be conveyed against the effect of gravity, wherein said helically designed section is a rail or channel having an entirely hollow interior unsupported by a drum structure.” (Emphasis Added)

Therefore, of the rejection of claims 1-25 under 35 U.S.C. 102(e) as being anticipated by Seiler (US 6,690,996) is respectfully requested.

New Claims

New claims 26 and 27 have been added to the application. New claims 26 and 27 find support in the specification and originally filed claims 23 and 24. New independent claim patentably distinguishes over the prior art relied upon by reciting,

“A method for processing printed products, the method comprising the steps of: feeding printed products to a plurality of conveying conveyor means by means of feed conveyors; temporary fixing said printed products by means of holding means functionally connected to the conveyor means such that printed products are conveyable against the effect of gravity and

such that the printed products remain in their position relative to their dedicated conveyor means during the conveying process; conveying the conveyor means along a spatially curved guide with an essentially helical section to an active region of at least one processing station; processing the printed products at the least one processing station.” (Emphasis Added)


However, the prior art, Seiler (US 6,690,996), discloses in Figure 4 and accompanying text that the printed material are pushed along the sidewalls of the V-shaped compartments of the collection drum and thus the printed material remains in the same position relative to the conveyor. Therefore, allowance of new claims 26 and 27 is respectfully requested.

Conclusion

No other issues remaining, reconsideration and favorable action upon all of the claims now present in the application is respectfully requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's undersigned attorney.

No fee is incurred by this Amendment after Final.

Respectfully submitted,


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